



How to Answer a Complaint in the Special Civil Part

Who Should Use This Packet?

You can use this packet if you are being sued in the Special Civil Part for an amount of money up to \$15,000. If you do not file an Answer, a money judgment may be entered against you.

General Requirements:

1. You must send an ANSWER to the court within 35 days from the date the summons was sent to you. That date is shown on the summons you received. You must pay \$30 to file your Answer.
2. If you have evidence showing that you do not owe the amount claimed, such as receipts, attach copies of those papers to every copy of your Answer. Keep copies of all the original documents and bring them to the trial.
3. You must send a copy of the Answer to the plaintiff by certified and regular mail if the plaintiff does not have a lawyer. If the plaintiff has a lawyer, you must send a copy of the Answer to that lawyer by regular mail.
4. Each person being sued must file his or her own Answer.
5. An Answer on behalf of a CORPORATION, LIMITED LIABILITY CORPORATION or LIMITED PARTNER in a limited partnership must be filed by an attorney if the amount sought in the case is more than \$3,000.

IMPORTANT: If you think you have a COUNTERCLAIM against the plaintiff or a claim against any other person, please contact the clerk's office for information on how to file a counterclaim.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available at the county courthouse or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the Special Civil Part of the Superior Court in the county where you are filing your case. A list of [Special Civil Part Offices](#) is provided at the customer counter or at njcourts.gov.

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

The court system can be confusing and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found online or in your local yellow pages under “Legal Aid” or “Legal Services.”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. That number can also be found in your local yellow pages. Most county bar associations have a [Lawyer Referral Service](#). The Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and sometimes consult with you at a reduced fee.

There are also organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your county court staff for a list of Lawyer Referral Services that include these organizations.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect any special treatment, help, or attention from the court. You must still comply with the Rules of the Court, even if you are not familiar with them. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

If you do not hire an attorney but represent yourself, be sure to make and keep for yourself copies of all completed forms and any canceled checks, money orders, sales receipts, bills, contract estimates, letters, leases, photographs and other important documents that relate to your case.

Definitions of Words Used in This Packet

Answer - An *answer* is a written response which explains why you think you do not owe the money to the other party in the case.

Complaint - A *complaint* is a document in which the plaintiff briefly tells the court the plaintiff's account of the facts and the relief the plaintiff wants the court to grant.

Counterclaim - A *counterclaim* is a document in which you the Defendant briefly tells the court why you think you are entitled to relief in the case

Default - When the defendant does not appear in court to respond to the complaint or does not file an answer, a judge may decide the case in the plaintiff's favor. This is called a *default*. Also, if the plaintiff does not show up in court, the court may dismiss the case.

Defendant - The *defendant* is the person being sued.

File - To *file* means to give the appropriate forms and fee to the court to begin the court's consideration of your position or request.

Interrogatories – *Interrogatories* are a list of questions from a party asking for information about the case.

Judgment – A *judgment* is the official decision of a court in a case

Motion – A *motion* is a written request in which you ask the court to issue an order, or to change an order it has already issued.

Order – An *order* is a signed paper from the judge telling someone they must do something

Party - A *party* is a person, business, or governmental agency involved in a court action.

Plaintiff - The *plaintiff* is the person who files the first complaint in a lawsuit.

Return Date – The *Return Date* is the date the plaintiff and defendant are told to appear in court

Service - *Service* is mailing copies of your papers to the lawyer for the other party or to the other party if there is no lawyer

Summons - A *summons* is the paper that notifies the Defendant that he or she is being sued and briefly explains the steps he or she needs to take once they have received this notice.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ “x 11” white paper only. Forms may not be filed on a different size or color paper.

Steps for Filing Your Answer in the Special Civil Part

STEP 1: Fill out the *Answer*

The *Answer* is a written response explaining why you think you do not owe the money that the person suing you is asking for.

STEP 2: Attach the filing fee

Attach your check or money order for \$30 payable to the *Treasurer, State of New Jersey*.

STEP 3: Where to file the *Answer*

The answer must be mailed or delivered to the Office of the Special Civil Part in the county where the case was filed against you. Look at the summons you received from the court for this address.

STEP 4: Check your completed form

Check your form and make sure it is complete. Remove all instruction sheets. Make sure you have signed the form.

CHECKLIST -: You must have all of the following items in this order:

- ___ *Answer*
- ___ Filing fee of \$30 in the form of a check or money order. Do not mail cash. You may use cash if you pay in person, but you should keep the receipt you get from the court staff for your records

STEP 5: Mail or deliver your package of completed papers to the court and the other parties in the case

You can deliver your *Answer* in person or you can mail it. If you mail the Answer to the court, we recommend that you use certified mail, return receipt requested. This will provide you with a green receipt card that can serve as proof that you mailed the Answer to the court.

Your post office can tell you how to send certified mail, return receipt requested. You must also mail a copy to each party's attorney by regular mail or to each party by certified and regular mail if that party does not have an attorney. If the lawsuit names another person (in addition to yourself) as a defendant, you must also send that person a copy of your *Answer*.

- Make enough copies of the *Answer* so that you will have one for yourself and one for the other parties' attorneys. If the other parties do not have an attorney, then make enough copies so that you have one copy for every party in the case.
- Mail or deliver the original answer to the court.
- Mail or deliver one copy to each of the other parties' attorneys or to each of the other parties if he or she does not have an attorney.
- Keep at least one copy of the *Answer* for your own records.

STEP 6: You will get a court date for your trial

After you file your *Answer* with the court, you will receive a notice in the mail with the date you must appear in court. The plaintiff will also be notified to appear in court on the same date. You must appear in court on this date; if you do not, the court may find you in *default* and *judgment* may be entered against you and you may lose the case. If you cannot make your court date because of circumstances beyond your control, you must contact the court in advance and request that your date be rescheduled. If the plaintiff does not appear, the case may be dismissed.

Other Considerations

Interrogatories

If you receive a list of questions (*interrogatories*) from the plaintiff, you must answer and return them to the plaintiff within 30 days. If you do not do so, the court may rule against you by suppressing your answer. You would then have to file a written motion asking the court to reinstate the case and accept your answer to the complaint. The restoration fee is \$25 if you make the motion within 30 days of the suppression order; after 30 days, the restoration fee is \$75. After 45 days the court may make the suppression order final and then enter a default judgment against you without hearing your side of the case.

Settlement Negotiations

The court will likely ask that you attempt to settle your case with the help of a law clerk, court staff person, or trained volunteer before you go to trial. You may also wish to contact the plaintiff's lawyer, or the plaintiff, if the plaintiff does not have a lawyer, to resolve this dispute. **You do not have to do this unless you want to.** However, negotiating with the plaintiff or the plaintiff's attorney will not stop the 35-day period for filing an answer unless a written agreement between you and the plaintiff is reached and filed with the court.

Interpreter or Accommodation

If you need an interpreter or an accommodation for a disability for your trial, please contact the court before your trial date and check the appropriate space on the *Answer* form.

Instructions for Completing Form A (Special Civil Answer)

- A. The *defendant* is you, the person who is being sued, and the *plaintiff* is the person who is suing you.
- B. At the top left of the form, enter your name, address, daytime phone number, and email address. If you are not an attorney, leave the *Attorney ID* field blank.
- C. On the line labeled *Plaintiff(s)*, type or print the plaintiff's name.
- D. On the line labeled *Defendant(s)*, enter the name(s) of the defendants listed on the complaint.
- E. At the top right of the form, clearly print or type on the blank lines the *County* and *Docket No.* assigned to the case by the court. (You can get this information from the complaint filed against you.)
- F. In the section below the *defendant's name*, check the appropriate statement or statements which set forth why you claim you do not owe the money to the plaintiff.
- G. Indicate whether or not you want a trial by jury. If you do, check off where it says, "Trial by jury requested; an extra \$100 check or money order is enclosed". You must then enclose an additional \$100 check or money order made payable to the *Treasurer, State of New Jersey* in addition to your filing fee.
- H. At the bottom of the form after "*Dated,*" clearly print or type the date on which you sign this form, sign your name on the line above "*Defendant's Signature*" and clearly print or type your name on the line below your signature.
- I. **IMPORTANT:** The Court Rules say you have to sign this statement at the bottom of the form: "*I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.*" This means that you must make sure that you do not need to bring anyone else into the case. A frequent example is when a hospital sues a patient for payment of a bill, but the patient believes that the insurance company should pay the bill instead. The insurance company needs to be brought into the case. If you are in a situation similar to this example, contact the court before filing your form.
- J. If the *Answer* (Form A) or any of the copies of papers that you attach to the answer contain a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number, you must redact (black out) this information so that it cannot be seen, unless any such personal identifier is required to be included by statute, rule, administrative directive or court order. If an active financial account is the subject of your case and cannot otherwise be identified, you may use the last four digits of the account to identify it.
NOTE: Do not redact (black out) this information in the original papers that you are keeping since you may have to show them to the court at some point.

Review all steps for completion before mailing your forms.

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

Telephone Number _____

_____,
Plaintiff(s),

v.

_____,
Defendant(s).

Superior Court of New Jersey
Law Division, Special Civil Part

_____ County

Docket Number: _____

Civil Action

Answer

Check the appropriate statement or statements below which set forth why you claim you do not owe money to the plaintiff.

- 1. The good or services were not received.
- 2. The goods or services received were defective.
- 3. The bill has been paid.
- 4. I/We did not order the goods or services.
- 5. The dollar amount claimed by the plaintiff(s) is incorrect.
- 6. Other – Set forth any other reasons why you believe money is not owed to the plaintiff(s). (You may attach more sheets if you need to.)

Trial by jury is requested; an extra \$100 check or money order is enclosed.

At the trial, Defendant requests:

An interpreter Yes No Indicate language _____

An accommodation for a disability Yes No Requested accommodation _____

I certify the matter in controversy is not the subject of any other court action or arbitration proceeding now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

I further certify that this answer was served on all other parties within 35 days of the date the summons and complaint were mailed to me as indicated on the summons.

Dated: _____

Defendant's Signature

Defendant's Name - Typed or Printed